

Message Text

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SUBJ: NEW SWISS LAW ON WIRETAPPING

1. SWISS NATIONAL COUNCIL (PARLIAMENT LOWER HOUSE)
MAY 3 AFTER HEATED DEBATE UNANIMOUSLY PASSED NEW LAW
REGARDING INVASION OF PRIVACY TO PROTECT AGAINST
ILLEGAL POLICE SURVEILLANCE BY WIRETAPS, POSTAL AND
TELEGRAPH CHECKS. EXISTING SWISS LAW ALREADY PUNISHES
WIRETAPS BY UNAUTHORIZED PARTIES. NEW LAW IS REDRAFT
OF TEXT OF 1973 INITIATIVE SUBMITTED BY SOCIALIST
NATIONAL COUNCILOR GERWIG.

2. NEW LAW MODIFIES PROVISIONS OF SEVEN EXISTING
FEDERAL STATUTES. MAJOR PROVISIONS SPECIFY THAT:
A) POLICE WIRETAPS, POST AND TELEGRAPH SURVEILLANCE
IS PERMITTED IN CASES WHERE SUBJECT IS SUSPECTED OF
HAVING COMMITTED FELONY OR SERIOUS MISDEMEANOR, IF BASED
ON CONCRETE EVIDENCE, AND PROVIDING THAT OTHER MEANS HAVE
FAILED TO PRODUCE RESULTS; AND B) DECISION OF
INVESTIGATING MAGISTRATE TO ORDER POLICE SUR-
VEILLANCE COMES UNDER AUTOMATIC CONTROL, DEPENDING
ON JURISDICTION, EITHER BY PRESIDENT OF FEDERAL COURT
INDICTMENT PANEL, PRESIDENT OF MILITARY APPEALS
COURT, OR BY CANTONAL JUDGE HAVING JURISDICTION.
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MEMBERS OF SUSPECTED PERSON'S FAMILY ARE ALSO SUBJECT
TO WIRETAP. ONLY PRIVILEGED PROFESSIONALS (DOCTORS,
CLERICS AND ATTORNEYS) WHO ENJOY PROFESSIONAL CON-
FIDENTIALITY CANNOT BE TAPPED UNLESS THEY THEMSELVES
ARE SUSPECTED OF CRIMES OR SERIOUS MISDEMEANORS.

3. DEFEATED WAS DRAFT PROVISION THAT WOULD HAVE

ESTABLISHED PARLIAMENTARY CONTROL COMMISSION OF SIX MEMBERS (THREE FROM EACH HOUSE) TO REVIEW FILES OF SURVEILLANCE CASES. FEDERAL COUNCILOR FURGLER ARGUED THAT IS IS INADVISABLE TO OPEN FILES TO PARLIAMENT BECAUSE OF NEED TO PROTECT INDIVIDUAL PRIVACY. FEDERAL COUNCIL ALSO DID NOT WANT TO GIVE THIS REVIEW POWER OVER GOVT TO PARLIAMENT. DURING DEBATE FURGLER SAID SOME 100 PERSONS IN SWITZERLAND CURRENTLY UNDER WIRETAP, 70 BY FEDERAL PROSECUTOR AND 30 BY CANTONAL AUTHORITIES. MOST CASES INVOLVE SUSPICION OF INVOLVEMENT IN SUCH ACTIVITIES AS TERRORISM, KIDNAPPING, DRUGS AND PLANE HIJACKING.

4. THIS LEGISLATION MUST NEXT TO TO STATE COUNCIL (UPPER HOUSE) AS FINAL STEP IN LEGISLATIVE PROCESS; THEN TO THE FEDERAL COUNCIL, AND TO THE SWISS VOTER, BEFORE IT BECOMES LAW.
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